THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO: 1618 of 1996

Date:28/07/2005

Between:

K. SASTYNARAYANA REDDY S/O. PEDDA GURREDDY
R/O. PANYAM ,VILLAGE &MANDAL KURNOOL DIST

..... PETITIONER

AND

1 THE SPECIAL TAHSILDAR , LAND REFORMS
KURNOOL DIST
2 THE CHAIRMAN LAND REFORMS APPLELLATE TRIBUNAL
KURNOOL DIST

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.1618 OF 1996

ORAL ORDER:

In the surrender proceedings of the excess land held by the petitioner, compensation payable to him for the fruit bearing trees surrendered by him was fixed at Rs.92,050/- by the Tribunal constituted under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (the Act). Dissatisfied with the amount awarded to him, petitioner preferred an appeal contending that he is entitled to the value of timber and fuel of the fruit bearing trees also. The same was rejected by the Appellate Tribunal. Hence, this petition.

2. Procedure for fixing the value of the fruit bearing trees is laid down by the Rule 11 of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974, framed

under the Act. As per that Rule only seignorage rates notified by the District Forest Officer, and not the market value that may be furnished by the Horticulture Department, as requested by the petitioner, would be the guide. Since the Tribunal called for the report from the District Forest Officer in whose jurisdiction the land surrendered by the petitioner is situated and since the District Forest Officer furnished estimate of the fruit bearing trees, on the basis of seignorage rates applicable to the year 1979, in which year the possession was taken, the Tribunal awarding Rs.92,050/- as compensation for the fruit bearing trees and the appellate authority confirming the same is perfectly in accordance with law. In view thereof the finding of the appellate authority that the Tribunal did not commit an error in not waiting for the report from the Horticulture Department, is not a ground for enhancing the compensation since possession was not taken under the Land Acquisition Act, cannot be said to be erroneous and thus I find no merits in this petition.

3. Hence, the petition is dismissed. No costs.

(C.Y.Somayajulu, J.)

Date: 28-07-2005

Cvrk